

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION  
No. 2:14-CV-00022-BO

JUNIOUS A. FOUNTAIN,        )  
                              )  
Plaintiff,                )  
                              )  
v.                        )        ORDER  
                              )  
KILOLO KIJAKAZI,            )  
Acting Commissioner of     )  
Social Security,            )  
                              )  
Defendant.                )  
\_\_\_\_\_

Plaintiff's counsel filed a motion for attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$33,685.50. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$4,046.36.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 17,000.00 and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 9 day of August, 2021.

  
TERRENCE W. BOYLE  
United States District Judge